



FOREIGN AFFAIRS MANUAL

VOLUME 9 – Visas

Transmittal Letter: VISA-195

Date: June 18, 1999

9 FAM 41.2 REGS/STATUTES; 9 FAM 42.72 REGS/STATUTES; AND REMOVAL OF 9 FAM 41.114 REGS/STATUTES, NOTES, PROCEDURAL NOTES

MAJOR CHANGES

1. **9 FAM 41.2(j) REGS/STATUTES:** This section has been amended at the request of INS in order to make clear that although passports and visas are required for nonimmigrants, in the case of an unforeseen emergency, the alien may apply to the INS district director for an INA 212(d)(3)(A) waiver. If the waiver is granted, the visa and passport can be waived [64 FR 28915].

2. **9 FAM 42.72(e)(4) REGS/STATUTES:** On May 21, 1997, the Department revised the regulation to reflect the new immigrant visa validity of six months. In updating the regulation, the addition of the word “no” unintentionally changed the meaning of this regulation. The addition of that word implied that an alien must appear for a second interview before traveling to the United States even if the alien is traveling within the six-month visa validity. This transmittal corrects that error [64 FR 28915].

3. **9 FAM 41.114 REGS/STATUTES, NOTES, PROCEDURAL NOTES:** TL:VISA-82, dated August 6, 1993, instructed posts to remove these sections from 9 FAM. However, the regulation was never removed from the CFR. A regulation published on May 28, 1999, removed 22 CFR 41.114 [64 FR 28915].

4. Revisions since the last update appear in italics. The italics will be removed the next time the section is updated. Only current changes will appear in italics. Italics provide the historical record of changes.

5. Officers are reminded that Department-issued materials not codified in the *Foreign Affairs Manual* or its supplemental *Foreign Affairs Handbook* series generally have no regulatory validity [see 2 FAM 1115.2].

FILING INSTRUCTIONS

1. Remove old 9 FAM 41.2 Regs/Statutes (TL:VISA-187, 03-30-1999; 11 pages) and insert revised 9 FAM 41.2 Regs/Statutes (11 pages). Remove old 9 FAM 42.72 Regs/Statutes (TL:VISA-168, 08-08-1997; 4 pages) and insert revised 9 FAM 42.72 Regs/Statutes (4 pages).

2. After inserting the material in the binder, insert this transmittal letter immediately following the TL Checklist, and fill in the entry line for TL:VISA-195, and initial.

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(CAVO/L/R)